

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHRISTOPHER ROBINSON,

Plaintiff,

COMPLAINT

-against-

Jury Demand

THE CITY OF NEW YORK,
JOHN AND JANE DOES 1-5

Defendants.
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Plaintiff CHRISTOPHER ROBINSON ("Plaintiff") by and through his attorney Vik Pawar, Esq., respectfully allege as follows:

1. Plaintiff brings this action for compensatory damages, punitive damages and attorney's fees for violations of their civil rights, as secured by statutes and the Constitution of the United States and the State of New York.

2. Plaintiff has complied with conditions precedent to filing state law claims by filing timely notices of claim, agreeing to attend 50h hearings and giving the City adequate time to settle their claim and this lawsuit is commenced within one year and ninety days of the incident.

PARTIES

3. Plaintiff is a citizen of the United States, and at all relevant times a resident of the County of Bronx, and CITY and State of New York.

4. Defendant CITY of New York (hereinafter “CITY”) was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

5. The John and Jane Does 1-5 (“individual defendants”) are or were employed by the CITY and acted under the color of state law and are sued in their individual capacity.

FACTS

6. Plaintiff works for a plumbing company.

7. On December 21, 2023, at approximately 9:30 p.m., members of the NYPD from the 40th precinct arrived at plaintiff’s home that he shares with his wife and without a warrant started searching it. They saw plaintiff’s tool bag that contained his work bag which included a blade used in plumbing craft.

8. The individual defendants accused plaintiff of having a blade, which blade plaintiff uses for work.

9. The individual defendants dragged plaintiff to their police car and violently handcuffed him.

10. Plaintiff screamed in pain because he was recently in a car accident and pled that the defendants ease his pain and those pleas were ignored.

11. Plaintiff was brought to the precinct after being searched and then searched once again at the precinct, this time it was a strip search.

12. The defendants then slammed his face on the floor of the precinct, choked him, kicked and stomped on him, spat at him and continued to rip apart his already injured arm which he had previously told them about.

13. The NYPD members at the precinct took countless pictures that would show plaintiff's injuries.

14. After being brought to Court, the plaintiff was released after 56 hours in custody.

AS AND FOR A FIRST CAUSE OF ACTION

(Assault and Battery)

15. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

16. The Defendants committed acts that caused harm to Plaintiff.

17. The Defendants intended to inflict injury or pain on Plaintiff.

18. As a reason of the assault and unlawful battery by the Defendants Plaintiff was apprehensive and suffered physical and emotional injuries.

AS AND FOR A SECOND CAUSE OF ACTION

(Harassment)

19. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

20. The Defendants intended to harass, annoy or alarm Plaintiff.

21. These defendants acted in a way that caused Plaintiff to be harassed, annoyed and alarmed.

22. As a result of their conduct, Plaintiff suffered and continue to suffer mental and physical injuries.

AS AND FOR A THIRD CAUSE OF ACTION

(Intentional and Negligent Infliction of Emotional Distress under the laws of New York)

23. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

24. The aforementioned conduct was extreme and outrageous, and exceeded all reasonable bounds of decency.

25. The aforementioned conduct was committed by Defendants while acting within the scope of their employment by Defendant City.

26. The aforementioned conduct was committed by Defendants while acting in furtherance of their employment by Defendant City.

27. The aforementioned conduct was intentional and for the sole purpose of causing severe emotional distress to Plaintiff.

28. As a result of the aforementioned conduct, Plaintiff suffered severe emotional distress, physical and mental injury, together with embarrassment, humiliation, shock, fright, and loss of freedom.

AS AND FOR A FOURTH CAUSE OF ACTION
(Violation of NYS Constitution)

29. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

30. Defendants conduct violated the rights secured by the New York State Constitution and the privileges provided to New York citizens under said Constitution.

31. As a result, Plaintiff's rights protected by the New York State Constitution were violated.

AS AND FOR A FIFTH CAUSE OF ACTION
(Negligent Screening, Training, Hiring, and Retention under the laws of the State of NY)

32. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

33. Defendant City owed a duty to individuals like Plaintiff to properly screen, train, hire and then appropriately discipline its employees.

34. Defendant City breached its duty and failed to use reasonable care in the screening, hiring, retraining and retention of the aforesaid individual Defendants who conducted and participated in the violation of Plaintiff's rights.

35. As a result, Plaintiff suffered injuries.

AS AND FOR A SIXTH CAUSE OF ACTION
(Negligence under the laws of the State of New York)

36. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

37. Defendant City owed a duty to individuals like Plaintiff.

38. Defendant City breached its duty when individual DOE Defendants engaged in and participated in the violation of Plaintiff's rights.

39. As a result, Plaintiff suffered injuries.

40. Plaintiff's physical and emotional injuries herein were caused by the carelessness, recklessness and negligence of the Defendant and their employees and agents, who were on duty and acting in the scope of their employment engaging in the wrongful conduct described herein.

AS AND FOR A SEVENTH CAUSE OF ACTION
(*Respondeat Superior* liability under the laws of the State of New York)

41. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

42. Defendant City is vicariously liable for the acts of its employees and agents who were on duty and acting in the scope of their employment when they engaged in the

wrongful conduct described herein that caused Plaintiff' irreparable physical and emotional injuries.

AS AND FOR AN EIGHTH CAUSE OF ACTION

(Fourth and Fourteenth Amendments- unlawful seizure/imprisonment/excessive force/malicious prosecution/denial of right to fair trial)

43. Plaintiff repeats, reiterates and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

44. Defendants used force that was more than necessary to arrest Plaintiff and physically assaulted him with their fists, legs and batons.

45. These defendants also trumped up false charges against Plaintiff and fabricated evidence.

46. These defendants drafted criminal court paperwork, complaint report and forwarded them to the DA's office knowing that Plaintiff would be prosecuted.

47. These defendants failed to retract their falsified paperwork and deprived Plaintiff of their liberty.

48. Defendants conduct was "repugnant to the conscience of mankind" and caused serious physical and emotional injuries to Plaintiff.

AS AND FOR THE NINTH CAUSE OF ACTION

(Failure to Intervene)

49. Plaintiff repeats and realleges the foregoing paragraphs as if full set forth herein.

50. The individual defendants were aware that plaintiff's rights were being violated.

51. The individual defendants had the time, means and the opportunity to step in to stop further violations of plaintiff's civil rights.

52. Despite being able to, they simply stood there as another officer engaged in unlawful and unconstitutional conduct.

53. As a result of their action or inactions, and failure to intervene, plaintiff suffered harm.

WHEREFORE, Plaintiff seeks judgment against the defendant individually, jointly, severally in the amount of \$250,000.00 for each and every cause of action, costs, expenses and attorney fees, and any other relief that the Court may deem just and proper.

Dated: April 14, 2024
New York, New York 10007

Respectfully,



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